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PLEASE REPLY TO ROSELAND, NJ

February 19, 2013

VIA ECF AND FACSIMILE

Hon. Lois H. Goodman, U.S.M.J.

United States District Court for the District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**Re: *Bristol-Myers Squibb Co. v. Apotex Inc., et al.*, Civil Action
No. 10-cv-05810-MLC-LHG (D.N.J.) (consolidated)**

Dear Judge Goodman:

This firm, together with Kirkland & Ellis LLP, represents Plaintiffs Bristol-Myers Squibb Company ("BMS") in the above referenced action. We write seeking guidance from the Court following our initial review and analysis of Apotex's opening expert reports served on Friday, February 15, 2013.

As BMS feared, Apotex has included in its opening expert reports many of the new arguments and references contained in its proposed Supplemental Infringement Contentions and Supplemental Invalidity Contentions, which are the subject of Apotex's pending application seeking leave to amend and therefore are not presently part of this case. In addition, although our review is ongoing, it appears as though Apotex has also advanced entirely new theories that were neither included in Apotex's current contentions or the proposed supplemental contentions that are at issue in Apotex's pending application. Because responsive expert reports are scheduled to be exchanged on March 15, 2013, and because BMS would like to avoid any delay in the case schedule and

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burdening the Court or the parties with unnecessary motion practice BMS requests the Court's guidance as to how to proceed.

BMS appreciates the Court's consideration of this submission and is available should Your Honor have any questions or like to schedule a telephone conference.

Respectfully submitted,

s/Liza M. Walsh

Liza M. Walsh

cc: All counsel of record (via email and ECF)